HB288 ENROLLED



- 1 HB288
- 2 D4XKHHT-2
- 3 By Representative Hassell (N & P)
- 4 RFD: Montgomery County Legislation
- 5 First Read: 05-Mar-24



- 1 Enrolled, An Act,
- 2 Relating to Montgomery County and to municipalities in
- 3 the county having a population of 5,000 or more people
- 4 according to the most recent or any subsequent federal census;
- 5 to amend Section 45-51A-32.113, Code of Alabama 1975,
- 6 establishing a countywide personnel system; to provide that
- 7 certain municipal employees are members of the exempt service
- 8 of the municipality.
- 9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
- 10 Section 1. Section 45-51A-32.113 of the Code of Alabama
- 11 1975, is amended to read as follows:
- 12 "\$45-51A-32.113
- 13 (a) This subpart shall apply to all officers and
- 14 employees in the service of the county and affected
- 15 municipalities, except the following:
- 16 (1) Elective officials. Provided however, that in the
- event the status of an elective elected officer of the county
- or municipality is changed to that of an appointive appointed
- 19 officer, then at the expiration of the term of office of any
- 20 such the officer, the individual holding the office at the
- 21 time of the expiration of the term, providing that he or she
- 22 the officer shall have served in the position for a period of
- 23 at least six months continuously, immediately prior to the
- 24 expiration of the term of office, shall assume regular status
- 25 in the competitive service without preliminary examination or
- 26 working tests and shall thereafter be subject in all respects
- 27 to this subpart.
- 28 (2) Members of appointive appointed boards,



29 commissions, and committees.

- (3) All employees or appointees of the city or county board of education, or individuals engaged in the profession of teaching or in supervising teaching in the public schools; excepting, however, other than personnel employed in kindergartens or in schools not a part of the city or county school system operated under the direction and supervision of the city or county board of education.
- (4) Attorneys, physicians, surgeons, and dentists who, with the express or implied permission of any appointing authority or of the county or municipality, hold themselves out for employment by others in the same or a like line of work as that performed by them for such appointing authority; excepting, however, other than municipal recorders or assistant recorders and city or municipal prosecutors or assistant city or municipal prosecutors.
- 45 (5) The personnel director provided for by this subpart.
 - (6) Individuals in the classified service within the meaning of and subject to the state Merit System under any present or future law, and so long as—any such the law remains effective.
 - (7) One private secretary or executive assistant of a member of the governing body of such the municipality, the bailiff appointed by each judge of the circuit court, and two clerks to be designated by each county elective elected official and also the register of the circuit court except the member of the board of revenue; and any employee receiving his



or her compensation from any elected official of the county.

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- (8) One clerk, deputy, or employee to be named by the clerk of the circuit court for his or her office, and one clerk, deputy, or employee to be named by the register of the circuit court for his or her office.
- 62 (9) a. The chief of staff, chief administrative officer (formerly executive assistant to the Mayor), executive 63 64 assistant to the Mayor (formerly private secretary), chief of police, fire chief, chief financial officer or director of 65 finance, chief technology officer, chief operating officer, 66 67 director of human resources, senior policy adviser, special assistant to the mayor, city attorney, director of economic 68 development, director of the office of city investigations 69 70 inspector general, head of the department of engineering and 71 environmental services, director of public works, head of the inspection department, director of planning, permitting and 72 73 inspections, director of cultural affairs, head of the 74 planning department, head of the communications department, director of traffic engineering, municipal court 75 76 administrator, director of office of violence prevention, 77 director of parks and recreation, head of the director of 78 street maintenance-department, and-head director of the sanitation department of any affected municipality, and any 79 80 private secretary, executive assistant, or special assistant 81 of any of the officers and employees listed in this paragraph, all of whom shall be appointed and serve at the pleasure of 82 the mayor of the affected municipality. Any individual 83 84 appointed to a position pursuant to this subdivision shall



meet at least the minimum qualifications for the position as

shall be established by the personnel board. Notwithstanding

any other provisions of this subpart, the compensation of

individuals appointed pursuant to this subdivision shall be

set by the personnel board pursuant to a pay and

classification study.

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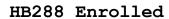
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- b. If—a an individual is removed by the mayor from any of the positions listed in paragraph a. for any reason other than for cause of willful neglect of duty, corruption in office, incompetency, or malfeasance, and if that individual was a member of the competitive or classified service of the county and affected municipalities at the time of initial appointment to that position by the mayor, that individual may return to the competitive or classified service as if he or she had never been appointed to or removed from the position by the mayor.
- (b) Offices, positions, and employments not exempted 101 102 above shall constitute the competitive or classified service 103 of the county and affected municipalities. It is intended 104 hereby to include within the competitive or classified service 105 all offices, positions, and employments in each such the 106 county and any such municipalities therein as these offices, 107 positions, and employment now exist, or as they may hereafter 108 exist, the holders of which are paid, whether by salaries, 109 wages, and or fees, in whole or in part from funds of any such the county or municipality, or the holders of which receive 110 their compensation from any elected official and perform 111 112 duties pertaining to the office of such the elected official



113	or officer except those-hereinabove numerated in this section.
114	It is also intended hereby that the competitive or classified
115	service shall include all personnel of any public corporation,
116	board, committee, or commission, appointed or created by the
117	governing body of any such county or municipality whether the
118	salaries, wages, or compensation of such officers or employees
119	are paid directly by the county or municipality; provided,
120	however, the appointed members of any such the public
121	corporation, board, committee, or commission shall not be
122	included in the competitive or classified service."
123	Section 2. This act shall become effective October 1,
124	2024.





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132		Speaker of the House of Representatives	
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137		President and Presiding Officer of the Senate	
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140		House of Representatives	
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142		hereby certify that the within Act originated	in and
143	was passe	d by the House 21-Mar-24.	
145		John Treadwell	
146		Clerk	
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152	Senate	02-May-24	Passed
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